

Enforcement Update
Report by Head of Development Management

Summary: This table shows the monthly updates on enforcement matters.

Recommendation: That the report be noted.

1 Introduction

1.1 This table shows the monthly update report on enforcement matters.

Committee Date	Location	Infringement	Action taken and current situation
7 December 2007	South side of Thorpe Island (New Cut)	Unauthorised mooring of vessels	<ul style="list-style-type: none"> • Authorisation to serve any necessary notices following legal advice. • Case under review. • Enquiries still ongoing, good progress being made, negotiations with Network Rail to establish a joint robust approach. • Site meeting with Network rail on the 9 April 2010. • Authorisation to take enforcement action following legal advice. • Network Rail have been provided boat owner details under Data Protection Act and are writing directly to those concerned.
23 April 2010			

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			<ul style="list-style-type: none"> • Network Rail is working to remove boats by use of eviction notices. Communication between Network Rail and Norwich City has been facilitated so as to enable a joint approach. • 22 July 2010 Network Rail advise that procedures are underway to send out notices to quit the land. • Network Rail procedures underway. • Network Rail issued Trespass Notices w/c 22 November 2010. • Network Rail re-issuing Trespass Notices w/c 17 January 2011. • Network Rail procedures underway.
5 December 2008	"Thorpe Island Marina" West Side of Thorpe Island Norwich (Former Jenners Basin)	Unauthorised development	<ul style="list-style-type: none"> • Temporary Stop Notice served on 10 and 11 November 2008 and Enforcement Notice served on 12-11-08. • Compliance required by 11-01-09. • Authorisation granted to initiate prosecution proceedings should compliance not be achieved. • Landowner being pressed to submit a planning application. • Agent has been contacted .w/c 11-05-09 and advised that proceedings will be initiated. • Week commencing 1 June 2009 letter sent to agent reminding him of enforcement proceedings. • Invalid application submitted 09-07-09 and further information awaited. • Application now valid and subject to consultation. • Application currently deferred for investigation of site history. • Meeting with Counsel 13-01-10.

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5 March 2010			<ul style="list-style-type: none"> • Awaiting Counsel’s advice – due by 08-02-10. • Considering Counsel’s advice. • Application withdrawn. • Awaiting CLUPOD application from land agent. • Case Review due w/c 10 May 2010. • Landowners have now engaged LANPRO and a formal meeting has been arranged for 25 June 2010.
16 July 2010			<ul style="list-style-type: none"> • Report to Committee seeking authorisation for enforcement action. • Enforcement action delegated to Director of Planning and Strategy in consultation with solicitor (with regret). • Use of basin being monitored on a more regular basis as apparent increase in number of vessels. • Landowner served with a Section 330 Notice on 11 August 2011. • Response received to S330 Notice. • Berth holders advised of breach. • Site inspection 21 October 2011 shows vessels in basin and unauthorised works and structures on land. • Enforcement Notices served 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011. • Appeal lodged 6 December 2011. Statement submitted 3 February 2012. • Appellant’s Statement received 13 February 2012. • Public Inquiry took place on 1 and 2 May 2012. • Decision received 15 June 2012. Inspector varied and upheld the Enforcement Notice in respect of removal of pontoons, storage container and engines but

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			<p>allowed the mooring of up to 12 boats only, subject to provision and implementation of landscaping and other schemes, strict compliance with conditions and no residential moorings.</p>
<p>23 April 2010 21 May 2010</p>	<p>Land at OS4229 at North End, Thurlton</p>	<p>Unauthorised storage of non-agricultural items</p>	<ul style="list-style-type: none"> • Temporary Stop Notice issued on 22 April 2010. • Enforcement action authorised requiring removal of non-agricultural items and other structures and materials from the site. Authority to prosecute and reclaim costs if non-compliance not achieved. • Site meeting held 26 May 2010 to discuss options for usage of land. Land owner agreed to remove abandoned vehicles in next 3 weeks. Situation being closely monitored. • Land has been partially cleared but vehicles remain. • Site visit to be arranged with land owner to discuss options for land usage. • Further site visit required. • Fencing to screen site constructed under permitted development. Vehicles and other materials remain on-site. • Site being monitored and discussions on going with other regulatory bodies. • Stop Notice and Enforcement Notice served on 1 February 2011. Environment Agency investigating potential pollution from unauthorised waste storage on the site. • Compliance to be achieved by 26 April 2011. • Site visit 6 May 2011 showed compliance not achieved. • Further site visit 21 June 2011 showed compliance not

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			<p>achieved.</p> <ul style="list-style-type: none"> • Prosecution papers being prepared. • Section 16 Notice served 15 September 2011 as precursor to prosecution. • Response to Section 16 Notice advises site cleared. Inspection proposed. • Inspection on 26 October showed compliance not achieved. • Prosecution request submitted 26 October 2011. • Site visit to be undertaken pursuant to conditional caution. • Conditional Caution issued 8 March 2012. • Compliance with Conditional Caution to be checked. • Meeting to be arranged with landowner to discuss compliance. • Site visit took place 21 May 2012. Some clearance has occurred. • Case subject of review
4 February 2011	Land adjacent to Pallet Yard, Old Station Road, Geldeston Road, Ellingham	Unauthorised change of use of land for storage of vehicles/scrap	<ul style="list-style-type: none"> • Enforcement Action authorised 4 February 2011. • Enforcement Notice served 15 February 2011 with compliance dates of 15 June 2011, 15 September 2011 and 15 December 2011 to clear site, restore site and implement landscaping scheme respectively. • Appeal documents received 11 March 2011. • Appeal to be determined by Inquiry: 4 October 2011. • Appeal against Enforcement Notice withdrawn. • Negotiated solution under discussion. • Case to be reviewed in Mid March. • Final deadline given for completion of s106 Agreement. • S106 not completed. Prosecution authorised 12 April

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			2012.
4 November 2011	Plots 38 and 39 Crabbet's Marsh, Horning	Unauthorised Development of piling	<ul style="list-style-type: none"> • Authority given for Enforcement Notices to be served. • Enforcement Notice served 18 November 2011. • 19 December 2011 meeting with landowner. • Appeal submitted start date 3 February 2012. • In abeyance pending outcome of appeal.
2 December 2011	Holiday Cottages, Wayford Bridge, Smallburgh	Unauthorised use as permanent residential accommodation	<ul style="list-style-type: none"> • Authority given for enforcement action to be taken on the basis of legal advice. • Planning Contravention Notices to confirm current occupation status served 6 January 2012. • Planning Contravention Notices being considered. • Enforcement Notices to be served. • Appeal received on 1 May against refusal of planning permission to authorise permanent residential use. • In abeyance pending outcome of appeal to be dealt with by Public Inquiry
3 February 2012	Broad Farm Caravan and Camping Park, Main Road, Fleggburgh	Unauthorised stationing and occupation of two static caravans	<ul style="list-style-type: none"> • Appeal submitted against Authority's decision of refusal for resubmission of pp BA/2011/0112/CU for change of use to regularise permanent occupation as caretakers accommodation for family employees and provide an on-site presence to improve security. • Authority to take enforcement action on basis of legal advice should this be necessary, pending outcome of appeal decision. • Appeal dismissed. Compliance required by end of September 2012. •

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30 March 2012	7 Bungalow Lane, Thorpe St Andrew (Northern Bank of River Yare - Old Kingfisher Boatyard.)	Unauthorised stationing of two static caravans	<ul style="list-style-type: none"> • Authority to serve an Enforcement Notice requiring the removal of the two static caravans, in consultation with the solicitor; and for prosecution to be instigated should there be non-compliance with the Planning Enforcement Notice. • Enforcement Notices to be served. • Negotiations underway with landowner.

2 Financial Implications

2.1 Financial implications of pursuing individual cases are reported on a site by site basis.

Background papers: BA Enforcement files

Author: Cally Smith
Date of report: July 2012

Broads Plan Objectives: None

Appendices: Nil